

UNAPPROVED

COON RAPIDS CITY COUNCIL MEETING MINUTES OF MAY 1, 2012

OPEN MIC/PUBLIC COMMENT

Phil Rosar, 10640 Mississippi Boulevard, requested that Council review the water restoration process in a work session. He stated that licensed plumbers, electricians, and other contractors all need to pull permits during remodeling but that it is difficult to complete the work when there is no water present.

Mayor Howe directed staff to schedule this topic for a future work session.

Councilmember Koch suggested notifying area realtors about the work session schedule as well.

Alan Williams 10744 Yellow Pine Street NW, stated staff misunderstood his points during his last Open Mic appearance regarding water restoration in that he was not trying to improve the process for staff but for him. He said the process should be made easier for people to improve their homes.

Mike Carter, 10410 Hummingbird Street NW, submitted a list of questions concerning Trackside Dog Park with regard to traffic, parking, noise, and pH levels in the ground. He also shared concerns about the City filling in a runoff area that flows into the Mississippi River.

Jerry Pierce, 12236 Partridge Street NW, said his request at the April 3 Open Mic was not for a political debate but a debate of Council and select City staff on the City's accomplishments over past six years.

CALL TO ORDER

The first regular meeting of the Coon Rapids City Council for the month of May was called to order by Mayor Tim Howe at 7:00 p.m. on Tuesday, May 1, 2012, in the Council Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Howe led the Council in the Pledge of Allegiance.

ROLL CALL

Members Present: Mayor Tim Howe, Councilmembers Denise Klint, Melissa Larson, Paul Johnson, Jerry Koch, Bruce Sanders and Scott Schulte

Members Absent: None

ADOPT AGENDA

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER LARSON, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

PROCLAMATIONS/PRESENTATIONS

1. POPPY DAYS PROCLAMATION

Mayor Howe explained the Council was being asked to proclaim May 19 and 20 as Poppy Days in the City of Coon Rapids. He read a proclamation in full noting the American Legion Post 334 and Auxiliary, the Veterans of Foreign Wars Post 9625, and the Veterans of Foreign Wars Auxiliary have adopted the Poppy as their commemorative symbol. Poppy Days pays respectful tribute to those killed in war, and also benefits the living veterans and their families. All residents were encouraged to take part in the Poppy Days program.

2. OATH OF OFFICE FOR OFFICER EMILY KIRCHNER

Chief Brad Wise introduced Officer Emily Kirchner to the Council and community. The timing memorializes her graduation from her field training program, and the beginning of her service to the City of Coon Rapids. He discussed her work history and appreciated her positive attitude. Terry Kirchner, Emily's father, pinned on her badge, #131, symbolizing her achievement. Chief Wise welcomed Officer Kirchner to the department.

Mayor Howe administered the Oath of Office to Officer Emily Kirchner. The Council and staff welcomed her to the City of Coon Rapids and offered her a round of applause.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

APRIL 17, 2012, COUNCIL MEETING

Councilmember Schulte requested a change on Page 15, in the second to last paragraph. He questioned if the response from Finance Director Legg was accurate. Finance Director Legg stated that commercial sewer rates were based on a flat fee based on the size of a commercial property plus their actual water consumption.

Councilmember Schulte requested the minutes reflect this language change.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE MINUTES OF THE APRIL 17, 2012, COUNCIL MEETING AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA/INFORMATIONAL BUSINESS

3. APPROVE MEMORANDUM OF UNDERSTANDING WITH THE CITY OF CANNON FALLS FOR THE PURCHASE OF FIRE APPARATUS – AERIAL TRUCK
4. RECEIVE THE 2011 COMMUNITY DEVELOPMENT DEPARTMENT ANNUAL REPORT
5. CONSIDER RESOLUTION 12-61 APPOINTING ONE MEMBER TO THE ARTS COMMISSION
6. RECEIVE GAMBLING EXPENDITURE REPORTS FOR JULY-DECEMBER 2011
7. CONSIDER WAIVER OF FEES FOR FOURTH OF JULY CARNIVAL
8. OPPORTUNITY CITY PROGRAM REVIEW

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED.

Councilmember Koch was pleased that the old fire truck was able to be sold for \$200,000. He questioned how the City of Cannon Falls was able to refurbish this piece of equipment for \$10,000 when the City of Coon Rapids estimated the expense to be much higher. Fire Chief Piper stated the rolling stock within the City has a replacement schedule, which ensures reliability in all vehicles. He noted the aerial fire truck was on a 13 year replacement schedule and an additional year was added. The ladder truck was tested after 14 years of service and several items were tested raising caution with the City.

Fire Chief Piper explained the benefit of refurbishing the unit versus purchasing a new piece of equipment was discussed with Pierce and an expense of \$400,000 was estimated. He stated the used truck could have had this investments made into it, however, he was not in favor of putting that much money into a used vehicle. The new truck would cost \$950,000 and would serve the City well for the next decade. He indicated he read through the Cannon Falls report and stated that City was completing only necessary refurbishing at this time.

Public Services Director Gatlin discussed the replacement schedule for the rolling stock in the City of Coon Rapids. He commented the City had to remain on the systematic and scheduled cycle for budgetary purposes. On occasion decisions are made to refurbish equipment, but after thorough analysis, staff did not feel it made sense to reinvest in this truck. The recommendation was then made to sell the truck.

Councilmember Schulte was pleased the City was able to make \$200,000 on the sale of this truck.

Councilmember Koch appreciated the response from staff. He inquired if the resolution to sell the

truck should include the language stating “all faults” are known. Fire Chief Piper commented this language was referring to the report completed on the fire truck. Interim City Attorney Brodie was comfortable with the language in the agreement and that the City of Coon Rapids was covered from liability.

Councilmember Schulte was pleased that the Council would be appointing Tom Archibald as a new Arts Commission member.

Mayor Howe commented on the 2011 Community Development Department Annual Report. He thanked all those involved in this report and for each of the volunteers on the Planning Commission.

Mayor Howe discussed the Opportunity City Program Review and thanked Cathy Bennett from ULI for working with the Council on this issue. He was pleased with the direction the City was taking with its housing stock.

THE MOTION PASSED UNANIMOUSLY.

REPORTS ON PREVIOUS OPEN MIC

9. OPEN MIC REPORT – ALAN WILLIAMS – 10744 YELLOW PINE STREET NW – RE: WATER RESTORATION PROCESS

Mayor Howe presented a memorandum from staff to Council stating Mr. Williams requested the City modify its procedure for restoring water to foreclosed properties. He stated he would like to complete a water restoration inspection simultaneously with another building inspection. He stated he asked Council to consider this request last year and is asking it to be considered again. Finally, he also requested if property taxes could be reduced by 1/12th if the water is turned off to the property.

In August 2011, Mr. Williams asked if water restoration inspections could be combined with rental licensing inspections in an effort to create efficiencies. Staff researched this suggestion and concluded, for a variety of reasons, that there were no efficiencies to be gained in combining those inspections. However, earlier this year, Building Inspections began the practice of combining water restoration inspections with inspections associated with interior remodeling permits. A water restoration inspection is still required, but the permit is waived and the inspection done as part of another permit/inspection, allowing owners and trades people to address any problem areas as part of the remodeling work. Furthermore, when taking possession of a foreclosed property where the water is off, a new owner should, and many frequently do, schedule a water restoration inspection as soon as possible to identify issues, facilitate rehabilitation work, and avoid delays.

During the Open Mic session, Councilmember Schulte noted that the City has a practice of granting waivers to foreclosed properties to keep the water on. In order to obtain such a waiver, an owner or an agent may contact the City and effectively register themselves as the party responsible for the property. If the property is issue-free, meaning there are no recent code enforcement or building code

issues, and gas and electric services are on, the waiver is granted. Waivers are renewable every six months.

Finally, Mr. Williams asked if the property taxes on a home with water turned off to it could be reduced. The Assessing Department indicated that state law, which enables municipal taxing authority, would not permit such a reduction in property taxes.

Mayor Howe indicated Mr. Williams addressed the Council again this evening under Open Mic and requested this issue be discussed by the Council further at a work session. He said he was in favor of this recommendation and gave direction to staff to review this issue further.

10. **OPEN MIC REPORT – SCOTT NELLIS – 10320 GROUSE STREET NW – RE: ORDER TO REMOVE SNAKES FROM PROPERTY**

Mayor Howe presented a memorandum from staff to Council stating Mr. Nellis appeared at Open Mic on April 17th and questioned why the concerns he raised at the April 3rd Open Mic session were not directly addressed.

The response to Mr. Nellis' April 3rd questions noted that because code enforcement actions were pending against Mr. Nellis it would be inappropriate to respond to his Open Mic concerns. At the April 17th meeting, the Acting City Attorney reiterated this point, noting that Open Mic was not the proper venue to consider Mr. Nellis' concerns. It continues to be the City's position that discussions related to ongoing enforcement actions be discussed only as part of due process and not in outside forums, such as Open Mic.

Mr. Nellis did appeal the orders of the Chief Building Official to the City Council to remove all snakes from his property. The Council tabled the matter and directed staff to work with Mr. Nellis on achieving compliance. Mr. Nellis was not agreeable to a proposal forwarded by staff. Therefore, compliance is being sought through the administrative citation process, whereby Mr. Nellis will have the opportunity to appeal a separate but similar order administratively and, if desired, to the Board of Adjustment and Appeals.

PUBLIC HEARING

11. **EPIPHANY SENIOR CITIZENS HOUSING CORPORATION PROJECT:**
- A. **PUBLIC HEARING, 7:00 P.M.**
 - B. **CONSIDER RESOLUTION 12-63 APPROVING THE ISSUANCE AND SALE OF A SENIOR HOUSING REVENUE REFUNDING BONDS (EPIPHANY SENIOR CITIZENS HOUSING CORPORATION PROJECT), SERIES 2012 OF THE CITY OF COON RAPIDS, MINNESOTA AND AUTHORIZING THE EXECUTION OF DOCUMENTS RELATING THERETO**
-

Finance Director Legg presented a memorandum to the Council stating a public hearing is requested to consider refunding outstanding Senior Housing Revenue Refunding Bonds Series 1998 for Epiphany Senior Citizens Housing Corporation (the Corporation).

The public hearing would allow the Council the opportunity to consider refunding bonds originally issued in 1993 to build the Epiphany Pines apartment complex. The Corporation would like to refund the bonds again to further save interest costs.

The bonds, in the amount of \$5,060,000 are tax exempt and in the City's name, but the City has no obligation to repay the bonds.

Mayor Howe opened the public hearing at 7:48 p.m.

Edward Bach, representative for Epiphany Senior Housing Corporation, addressed the Council thanking them for considering Epiphany's request. He stated the senior housing revenue refunding bonds would allow for Epiphany to keep rental rates reasonable. He said he appreciated the City's assistance on this matter.

Mayor Howe clarified that the City would have no obligations with these bonds.

Mayor Howe closed the public hearing at 7:49 p.m.

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 12-63 APPROVING THE ISSUANCE AND SALE OF A SENIOR HOUSING REVENUE REFUNDING BONDS (EPIPHANY SENIOR CITIZENS HOUSING CORPORATION PROJECT), SERIES 2012 OF THE CITY OF COON RAPIDS, MINNESOTA AND AUTHORIZING THE EXECUTION OF DOCUMENTS RELATING THERETO. THE MOTION PASSED UNANIMOUSLY.

OLD BUSINESS

12. **CONSIDER RESOLUTION 12-62 ESTABLISHING A MINIMUM SEWER CHARGE FOR TOWNHOMES, DETACHED TOWNHOMES AND QUADS AS WELL AS MOBILE HOMES**
-

Finance Director Legg presented a memorandum to the Council stating that on April 17, 2012 the City Council adopted sewer rates but requested a minimum rate be established.

At the April 17 City Council meeting, staff presented information to adjust sewer rates for 2012. The recommended rates were adopted but a minimum fee was requested in the event there was no water usage in the winter quarter, which sets the fee for the remaining quarters. Staff is recommending that a minimum fee of \$30.37 be adopted. This rate would include 7,500 gallons of usage, which is the average usage for those presently getting the senior citizen rate for the classes of property moving

toward the consumption method. The \$30.37 includes the base fee as well. Thus the fee is the base fee of \$10.50 plus consumption of \$19.87. This affects townhomes, detached townhomes and quads.

There was also discussion about what months should comprise the winter months. Staff is recommending the following since each quarter includes the holiday, which seems to have higher consumption, providing comparable winter quarters amongst the three districts. And, these are the months that are least likely to have watering done. Meter readings are gathered typically from the sixth of the month thru the tenth.

District 1 - mid November through mid February billed March 1

District 2 - mid December through mid March billed April 1

District 3 - mid October through mid January billed February 1

MOTION BY COUNCILMEMBER SCHULTE, SECONDED BY COUNCILMEMBER SANDERS, TO ADOPT RESOLUTION NO. 12-62 ESTABLISHING A MINIMUM SEWER CHARGE FOR TOWNHOMES, DETACHED TOWNHOMES AND QUADS AS WELL AS MOBILE HOMES.

Mayor Howe said he was pleased with the idea of a base fee but questioned how the proposed arrangement would work. Finance Director Legg stated a minimum fee of \$30.37 would be charged and this rate was based on the average use for townhome, detached townhome and quad units. This rate would be slightly higher for seniors that currently have the half-rate. The proposed rate would be a reduction for others and would be charged quarterly.

Councilmember Sanders stated if \$30.37 was the base rate, he questioned what the additional charges would be for additional consumption. Finance Director Legg noted the base rate was \$10.50 plus \$2.65 per thousand gallons for consumption. Anything less than 7,500 gallons would be the minimum rate of \$30.37 and anything over 7,500 gallons would be more.

Mayor Howe suggested the sewer rate be reviewed in one year. Finance Director Legg indicated the new rates would be phased in and would be discussed with the Council again in one year as the proposed sewer rates would be passed along to the single-family users.

THE MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

13. GRASS MAINTENANCE ON NORTHDALÉ BRIDGE

Public Services Director Gatlin presented a memorandum to Council stating at the April 17, 2012 Council meeting, Councilmember Klint mentioned that a resident in the Lakes Edge Townhome Association had contacted her. The resident requested that the City maintain the area adjacent to their

townhome development, which is part of the bridge abutment and slope for the Northdale Bridge over Highway 10.

The resident noted in her call to Councilmember Klint that the property is City owned and should be maintained by the City. The right-of-way for Northdale Boulevard is 80' wide at Lily Street and 129th Avenue, and widens to 175' at the Highway 10 right-of-way. In this location the City mows and maintains the turf in the area between the curb and the sidewalk and a strip of 4' - 6' wide beyond the sidewalk. The area adjacent to the Lakes Edge Townhomes is approximately half City boulevard area and half privately owned.

This area was planted in grass as part of the completion of the Northdale Bridge project. At that time we were contacted by the Lakes Edge Townhome Association requesting maintenance of the slope. We informed them that we would not do any additional maintenance except the areas between the curb and sidewalk, and 6' outside of the sidewalk. We did plant additional trees on the steep slope to provide some screening for the townhomes. Last fall I advised a resident in the townhome development that we will not maintain the steep slope. If they wish to have it mowed, it could be done by their Homeowners Association at their expense.

Across Northdale Boulevard, the Nissan Dealership does mow the boulevard area between the property line and the sidewalk on the steep slope. If the Homeowners Association wishes to have this maintained, it could be done by their own maintenance crew as is currently done by the car dealership.

There are seven other major freeway interchanges along Highway 10/47 in Coon Rapids and in none of these cases does the City mow the embankments from the top of the slope to the private property line. We do not have the staff or equipment budgeted at this time to provide that higher level of maintenance. We will not be providing any additional mowing in this location.

14. CONDITION OF RAILROAD CROSSING AT HANSON BOULEVARD

Public Services Director Gatlin presented a memorandum to Council stating at the April 17, 2012 Council meeting, Councilmember Koch commented regarding the poor condition of the railroad crossing on Hanson Boulevard in the southbound lanes, especially the outside lane.

Following the Council meeting, staff contacted the Burlington Northern Santa Fe Railroad regarding the condition of the railroad crossing. They were aware of the condition of the crossing and have scheduled a temporary repair. The temporary repair will consist of a bituminous patch placed in the pothole areas. Concrete planking will be ordered and installed when it is available. The Railroad hopes to have the permanent crossing repairs made by fall.

Councilmember Klint noted the City is working on the second annual *Tee it Up for the Troops* event scheduled for August 24th.

ADJOURN

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KLINT,
TO ADJOURN THE MEETING AT 8:00 P.M. THE MOTION PASSED UNANIMOUSLY.

Tim Howe, Mayor

ATTEST:

Cathy Sorensen, City Clerk